

**BROKEN ARROW CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
March 23, 2010**

6:30 PM

- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Pledge of Allegiance to the Flag**
- 5. Consideration of Consent Agenda**
 - A. Approval of regular meeting minutes of March 2, 2010
 - B. Acceptance of Planning Commission minutes for the meeting held February 25, 2010.
 - C. Approval of the Workers' Compensation Order on Barry Pickup a Police Department employee
 - D. Approval of the Workers' Compensation Order on Ed Rowell, a former Fire Department employee
 - E. Approval of the Workers' Compensation Order on Paul Thompson, a Fire Department employee
 - F. Approval of and authorization to execute Budget Amendment Number 13 for Fiscal Year 2009-2010
 - G. Ratification of the Consent Order entered against the City of Broken Arrow/Broken Arrow Municipal Authority issued by the Oklahoma Department of Environmental Quality (DEQ)
 - H. Consideration of and possible approval of Amendment No. 1 to the Agreement between City of Broken Arrow and Auburndale-Halifax Broken Arrow, LLC
 - I. Approval of Communications System Maintenance Agreement with Harris Corporation
 - J. Approval to declare a 1997 dump truck as surplus and authorizing the sale of the truck in the March 27, 2010 auction
 - K. Approval of bids received and award of the most advantageous to Physio Control for the purchase of four Life Pak 15 Defibrillator/Monitors and declare surplus of two Life Pak 12 Defibrillator/Monitors
 - L. Consideration and possible approval of BACP 109, 80.00 acres, 1 lot, Public Recreation to Levels 3 and 6, south of Kenosha Street (71st Street), one-quarter mile west of Evans Road (225th East Avenue)
 - M. PUD 203, CVS #4896 abrogation of a portion of PUD 74 and incorporation of that portion into a new Planned Unit Development (PUD 203) for commercial neighborhood uses.
 - N. Acceptance of Public Improvement from Cedar Ridge Country Club
 - O. Acceptance of Public Improvements Kum & Go #877
 - P. Acceptance of Public Improvement from Jim Norton Ford
 - Q. Acceptance of Public Improvements from Northeast Crossroads (Wal-Mart)
 - R. Acceptance of Public Improvement from Peace of Mind

- S. Acceptance of a General Warranty Deed from the City of Broken Arrow (S24 T18N R14E) (Project ST0528)
- T. Acceptance of a General Warranty Deed from the City of Broken Arrow (S24 T18N R14E) (ST0528)
- U. Acceptance of a General Warranty Deed from Trinity Creek Properties (S26 T19N R14E) (ST0809)
- V. Acceptance of a Deed of Dedication and Quit Claim Deed for property located immediately east and south of the Northwest corner of Section 10, Township 18, Range 15, Wagoner County, State of Oklahoma. (Project: Covington Estates Flood Storage) (SW0914)
- W. Acceptance of Quit Claim Deeds for property located in the W/2 of the SE/4 of the SW/4 of Section 24, T18N, R14E, Tulsa County, State of Oklahoma from Debbie A. McCalister, Shannon W. Paul Ammons and Callum Ammons, and Brian Paul (Project: New Orleans 9th to 23rd St) (ST0528)
- X. Acceptance of a Quit Claim Deed from Fred Bosworth (S24 T18N R14E) (ST0528)
- Y. Acceptance of a Temporary Construction Easement from Trinity Creek Properties (S26 T19N R14E) (ST0809)
- Z. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths

- A. Presentation of the Oklahoma Municipal League Honor Roll of Service Awards to Employees and Board Members with 25 Years of Municipal Government Service.
- B. Approval of Proclamation recognizing DeMolay Month and Proclaiming the month of March 2010 as "DeMolay Month"
- C. Approval of Proclamation commending exemplary action and community spirit contributing to keeping the City of Broken Arrow beautiful

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services

9. General Council Business

- A. Consideration of and possible approval of PUD 183A, Major Amendment to PUD 183, Aspen Crossing, 45.25 acres, 5 lots, and BAZ 1842, A-1, AR-2, and R-2 to RD, 14.10 acres, 5 lots, north and east of the northeast corner of Aspen Avenue (145 East Avenue) and Jasper Street (131st Street)
- B. Consideration and possible appointment of Mayor Mike Lester to the Indian Nations Council of Government (INCOG) Board of Directors to complete the remainder of the late Vice Mayor Philip Tucker's two-year term which will expire December 31, 2010
- C. Consideration of nominations to fill one vacancy on the Planning Commission created by the expiring term of Mickie Taylor
- D. Consideration of nominations to fill one vacancy on the Board of Adjustment created by the expiring term of Ralph Crotchett
- E. Consideration of and possible approval of Resolution 643 for Municipal Impact Statement House Bill 3054
- F. Consideration and possible approval of a request by the Broken Arrow Chamber of Commerce to host the 2010 Rooster Days Festival in Central Park, the Promotional License, and Rooster Days Parade
- G. Review and discussion The Broken Arrow Living Green Low Impact Development Certification Program.

10. City Manager's Report

11. Preview Ordinances

- A. Consideration and Possible Approval of an Ordinance, not to be codified, hereby acknowledging the 140th Street Assessment District, referring to the Amended Public Improvement Assessment Roll as Confirmed, Providing for Payment, Levying assessments in accordance with the Roll and declaring liens; and repealing ordinances to the contrary
- B. An Ordinance Amending Chapter 6, Article XI, Building Permit Fees and Charges and Repealing all Ordinances to the Contrary
- C. An Ordinance Amending Chapter 24, Water, Sewers and Sewage Disposal, Article VI, Section 24-602, Service Tap Charge and Repealing all Ordinances to the Contrary

12. Ordinances

- A. An Ordinance Amending the Broken Arrow Code Chapter 6, Article XI, Building and Building Regulations, Uniform Building Code Fees; and Declaring an Emergency
- B. An ordinance amending Chapter 23, Article II, Section 23-94 of the Broken Arrow Code pertaining to Evidence of driving while under the influence of or while impaired by alcohol or other intoxicating substances; repealing all ordinances to the contrary; and declaring an emergency.
- C. Adoption of Ordinance No. 3068 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1802, and Specific Use Permit No. 225 and granting CH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. Adoption of Ordinance No. 3069 amending the Zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1817 granting RMH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- E. Adoption of Ordinance No. 3070 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1800, granting RS-1 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- F. Adoption of Ordinance No. 3071 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1813, granting IH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- G. Adoption of Ordinance No. 3073 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1824, and granting R-2 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- H. Adoption of Ordinance No. 3080 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1787, and granting RS-3 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- I. Adoption of Ordinance No. 3083 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1821, and granting RS-3 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- J. Adoption of Ordinance No. 3088 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1822, and granting RMH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- K. Adoption of Ordinance No. 3096 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1784, and PUD 177, and granting RM zoning and PUD 177 to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

- L. Adoption of Ordinance No. 3099 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1820, and granting RMH zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

13. Remarks and Inquiries by Governing Body Members

- 14. Executive Session** for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney and possible action in Open Session regarding the purchase and appraisal of real property located on South Elm Place and West Houston and taking appropriate action as necessary in open session, under 25 O.S. §307(B)(3); a settlement offer to be considered in the City of Broken Arrow, Oklahoma, vs. The Brandy, L.L.C., et al., Tulsa County District Court Case Number: CJ-2007-49 and appropriate action in Open Session, including authorization to settle, under 25 O.S. § 307(B)(4); and a tort claim involving Stephanie Morgan and Aaron Totty and taking appropriate action, including settlement, under 25 O.S. § 307(B)(4). The Council is advised that disclosure will seriously impair the ability of the public body to process this pending litigation and claim in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

15. Adjournment

NOTICE:

All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings.

Exhibits, petitions, pictures, etc., presented to the authority shall be received and deposited in case files to be kept at the Broken Arrow City Hall.

If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this ____ day of _____, 2009, at _____ a.m./p.m.

City Clerk